

COUNCIL POLICY

CURRENT

SUBJECT: GENERAL REGULATORY LEGISLATION
POLICY NO.: 000-07
EFFECTIVE DATE: July 5, 1962

PURPOSE:

- 1.1 To provide uniformity in the scope and content of regulatory ordinances.

BACKGROUND:

- 2.1 A part of the legislative function and responsibility of the Council in connection with the adoption of regulatory ordinances is the necessity for an expression of the intent of the Council in connection with the legislation which, through the passage of time, becomes obscured or lost because of failure to express such intent as part of the legislation.
- 2.2 A substantial portion of the existing general regulatory legislation includes details of administration not legally required as part of the legislation. At the time of the adoption of the proposed legislation, the primary concern of the Council is that the intent be expressed in a way that it will be adhered to through subsequent administration of the regulatory provisions. The determination of the inclusion of any administrative details and procedures in proposed legislation is better made by the appropriate administrative authority and the City Attorney. The elimination of administrative detail and procedures not required by law would avoid many difficulties currently being experienced in the administration of existing regulatory provisions.

SCOPE

- 3.1 This policy shall apply only to general or regulatory ordinances but shall not apply to special legislation of a temporary nature such as ordinances specifying street improvements, street grades, appropriations, elections, bond issues, opening and vacating streets, naming or changing name of streets and dedicating parks.

POLICY:

- 4.1 All general regulatory legislation shall include a preamble stating the intent of the proposed legislation, including an outline of the reasons or conditions creating the necessity therefore. The scope and limits of the proposed regulation shall be clearly stated. A statement of intent shall be stated in a way to facilitate the exercise of administrative discretion provided in the legislation. The statement of intent shall be made a part of the proposed legislation and published in the San Diego Municipal Code.
- 4.2 The public's convenience will be best served if administrative detail and procedures can be adapted to meet changing conditions in the future. Accordingly, proposed regulatory legislation should delegate as broad authority for discretion in determining administrative details and procedures as is consistent with public policy and the law. The proposed general regulatory legislation should spell out the standards within which administrative discretion

may be exercised, and should be so defined as to minimize the necessity for differences of opinion by the administrative staff in the application thereof. The rights of the citizens should be protected by permitting appeals from administrative determinations to appropriate municipal bodies including, if necessary, the City Council.

- 4.3 Unless legally necessary, administrative details and procedures shall be omitted. The development of such administrative details and procedures shall be the responsibility of the administrative authority responsible for administering the legislation. The necessity for the inclusion of administrative details and procedures shall be determined by the City Attorney, the Office of Administrative Management, as well as such other departments as are concerned with the administration of the proposed general regulatory legislation.
- 4.4 All existing general regulatory legislation shall be reviewed by a committee composed of representatives from the City Attorney's office, the Office of Administrative Management, and the administrative authority responsible for each portion thereof, with a view toward preparing amendments to the San Diego Municipal Code to bring that Code in accord with this policy. This review shall be accomplished as rapidly as is feasible.

HISTORY:

Adopted by Resolution R-171610 07/05/1962